

in force in this State, in relation to the duties and responsibilities of Judges of Probate, has been lost in the House.

Respectfully,

JOHN DICK,

Clerk House Representatives.

Which was received, and read, and the bills ordered to be enrolled.

Also the following message was received :

HOUSE OF REPRESENTATIVES, }  
December 17, 1852. }

*Honorable President of the Senate :*

Sir,—The House have concurred in the three additional sections, (7, 8, 9,) proposed by the Senate to House bill to be entitled An Act in addition to and amendatory of the several acts concerning writs of error and appeals to the Supreme Court, as amendments to said bill.

The House refused to concur in the other amendments proposed by the Senate to said bill.

Respectfully,

JOHN DICK,

Clerk of House of Representatives.

Which was read and received.

Mr. Floyd moved to concur in the amendments by the House of Senate Resolution designating the day for the adjournment of the General Assembly.

Mr. Finley moved to lay said motion on the table,

Upon which, the yeas and nays were called for by Messrs. Floyd and Baldwin, and were as follows :

YEAS—Messrs. Baldwin, Finley, Forsyth, Gonzalez, Long, Provence, Smith and Snell—8.

NAYS—Mr. President, Messrs. Brown, Buddington, Johnson, Moseley and Stewart—6.

So said motion was carried,

On motion of Mr. Baldwin,

The resolution making the reading of the amendments to the Constitution of this State the special order of the day for Monday next, was reconsidered ;

Said amendments read a second time, and ordered for a third reading on Monday next.

On motion,

The Senate adjourned until Monday at 12'clock.

MONDAY, December 20, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Zealey officiated as chaplain.

A quorum being present, the journal was read, amended and approved.

On motion of Mr. Snell,

The rule was waived, and he permitted to introduce the following bill :

A bill to be entitled An Act to prevent the trading with the Indians in the State ;

Which was received, and placed among the orders of the day.

Mr. Provence presented the petition of John M. Fontane, Andrew Papy and eighty-three others, of St Johns County ;

Which was received, and referred to the Committee on Propositions and Grievances.

On motion of Mr. Wynn,

The rule was waived, and he permitted to introduce the following bill :

A bill to be entitled An Act for the relief of James Brown and William Ganier, Senior ;

Which was placed among the orders of the day.

Mr. Baldwin gave notice that he would, on some future day, introduce a bill regarding the quarantine relations in this State.

Mr. Long introduced the petition of Thomas B. Wynn, of Georgia, asking to be guaranteed in the right of purchasing a certain fraction of land in Leon county, whenever the same shall come into market ;

Which was read and received, and referred to Committee on Propositions and Grievances.

On motion, the rule was waived, and Mr. Long permitted to introduce the following bill :

A bill to be entitled An Act for the relief of Thomas B. Wynn ;

Which was placed among the orders of the day.

Mr. Gonzalez offered the following resolution :

Resolution urging upon Congress the sale of reserved lands ;

Which was read a first time, and ordered for a second reading on to-morrow.

Mr. Long, from the Committee on Enrolments made the following report :

The Committee upon Enrolled Bills have examined An Act to provide for the election of a County Site in the County of Walton, and instruct me to report that the same is correctly enrolled.

M. A. LONG,

Chairman Committee on Enrolled Bills.

Which was received.

Mr. Finley, from the Committee on Engrossed bills made the following report :

The Committee on Engrossed Bills report as correctly engrossed,

An Act to authorize William H. Chase and Jasper Strong to cut a canal, connecting the waters of the Perdido River and Grand Lagoon ;

An Act giving to the Alabama and Florida Rail Road Company

the right to extend their road into the State of Florida, and to construct branch roads, with chartered privileges; also,

Senate amendments to House bill entitled An Act to incorporate the Pensacola Rail Road Company

Respectfully submitted,

J. J. FINLEY, Chairman.

Which was read and received.

Mr. Johnson, from the Committee on Internal Improvements to whom was referred the petition of George W. Ferguson, made the following report:

The Committee on Internal Improvements, to whom was referred the petition of George W. Ferguson, of Dade County, have had the same under consideration, and ask leave to report:

The petitioner asks the General Assembly to pass a law granting to him and his associates, their heirs and assigns, a portion of the Everglades, upon condition that they reclaim the same within five years. Your committee cannot recommend the passage of such a law, unless the State was receiving an equivalent, by the reclamation of adjoining swamp and overflowed lands of equal value; and in that case only by the special contract of a State agent, under provisions of a general law, and after a careful examination and survey of the premises. Special legislation of this character may lead to a system of favoritism, and useless waste of the swamp and overflowed land fund. Your committee would refer the petitioner to the provisions of a bill now before the General Assembly, entitled An Act to amend an act to grant pre-emption rights to settlers on State lands, which is intended to secure the right to improvements of persons who have, or may hereafter, reclaim the swamp and overflowed lands of this State. Your committee recommend that the prayer of the petitioner be not granted, and ask to be discharged.

Respectfully submitted,

ALLEN G. JOHNSON,

Chairman.

Which was read and received, and the petition placed among the orders of the day.

Mr. Buddington, from the Committee on Propositions and grievances, made the following report:

The Committee on Propositions and grievances, to whom was referred a bill to be entitled An Act for the relief of Mrs. Harriet Powers, have had the same under consideration, and upon due examination of the evidences shown us by the petition signed by sundry citizens of Columbia county, together with other information afforded us, ask leave to report:

That we consider the case worthy of relief from the State, and therefore recommend the passage of the bill.

All of which is respectfully submitted,

O. BUDDINGTON,

Chairman.

Which was received, and the report and bill placed among the orders of the day.

Mr. Snell, from the Committee on Agriculture, made the following report:

The Committee to whom was referred a bill to be entitled An Act to promote Agriculture in this State, have had the same under consideration, and beg leave to report:

That, as much they feel the importance of the object which is sought to be promoted by this bill, they are constrained, under the provisions of the Constitution and the acts of Congress appropriating these lands to the State of Florida, to report against it, and to recommend that said bill should not pass. Respectfully submitted.

H. V. SNELL,

Chairman pro tem. Committee on Agriculture.

Which was read and received and the bill placed among the orders of the day.

Mr. Gonzalez, from the Committee to whom was referred the petition of J. Pillans, made the following report:

The Committee on Claims and Accounts to whom was referred the Petition of J. A. Pillans asking the passage of a law refunding certain monies paid to the Sheriff of Columbia and Marion Counties, make the following report:

It appears from the evidence exhibited to the Committee that the petitioner was found by the Sheriff on his way to the Court House of Columbia County, on the 3d of July, 1851; to which place he was going for the purpose of obtaining a license to peddle in that county for the term of one year. It does not appear whether the petitioner had actually sold any goods in that county prior to his having been so found by the Sheriff. The Sheriff of Columbia County demanded a double tax, and before the same was paid, called the County Commissioners to consider the matter, who declined to take cognizance of the matter. Therefore the petitioner paid to the Sheriff the sum demanded, of one hundred and thirty-two dollars. Whereupon the Clerk of the Circuit Court of Columbia County, issued a license to petitioner to peddle for one year in that County. The object of the petition is to have this sum or a part thereof refunded by the State. While the Committee are sensible that the exaction by the Sheriff was improper, under these facts, it is also true, that the petitioner paid the same without any legal obligation to do so, and the Committee suppose that the same could have been legally withheld, or could now be recovered from the Sheriff by a suit at law.—The Sheriff only had a right to recover the double tax before the Circuit Court, if a double tax had been due in fact, and hence the petitioner paid the same in his own wrong, and through his own folly. But because the Committee are satisfied that the Sheriff has actually paid the money into the State Treasury, although he was not bound to do so, having received forty four dollars thereof, by an illegal exaction, consequent upon his ignorance of the law, the Com-

mittee beg leave to recommend the bill herewith reported, to be passed, refunding that sum. The Sheriff only had a right to demand for license issued on the 4th of July, the sum of forty-four dollars for the State tax, and as double that sum was paid to the Sheriff, and has found its way into the Treasury, the same ought to be refunded.

It appears also to your Committee, from the accompanying papers, that the petitioner obtained a license from the Clerk of the Circuit Court of Marion County, dated Oct. 17, 1851, to peddle in that county for one year; and that, on the first of January thereafter, the petitioner was informed by the Sheriff of Marion County, that his license expired with the calendar year; and that the petitioner yielded his privilege without legal investigation and, consequently, is without remedy.

The Committee report a bill to be entitled An Act for the relief of J. A. Pillans, and recommend its passage.

All of which is respectfully submitted,

SAMUEL Z. GONZALEZ,

Chairman.

Which was read and received, and the bill placed among the orders of the day.

Mr. Wynn according to previous notice, introduced the following bill:

A bill to be entitled An Act to amend the law granting pre-emption rights to settlers on State lands;

Which was placed among the orders of the day.

Mr. Forsyth according to previous notice introduced the following bill:

A bill to be entitled An Act to authorize the business of Banking Which was placed among the orders of the day.

On motion of Mr. Brown, the rule was waived, and he permitted to introduce the following bill:

A bill to be entitled An Act to authorize county subscriptions for works of Internal Improvement;

Which bill was placed among the orders of the day.

The following Message was received from His Excellency, the Governor:

EXECUTIVE CHAMBER, }  
December 20, 1852. }

The Hon. R. J. FLOYD,

*President of the Senate, &c.*

Sir,—I have the honor to submit to the consideration of the General Assembly, the Prospectus of "Hutchinson's Manual," with a copy of the work for examination. As far as I am competent to judge, I am disposed to esteem it a valuable work, and believe its adoption by this State, would be beneficial; particularly as a guide to the Clerks of Courts, and Justices of the Peace.

I respectfully recommend its reference to a joint Committee of the

two Houses; and, if approved, an appropriation to purchase a sufficient number of copies for the use of the State.

I am your most obedient, &c.,

THOMAS BROWN.

Which was read and received, and referred to a committee.

#### ORDERS OF THE DAY.

An Act to amend the eleventh clause of the fifth article of the Constitution of this State, and also to amend an act amendatory of the 12th clause of the 5th article of the Constitution of this State and adopted by the third and fourth General Assemblies, so as to give the election of the Judges to the people,

Was read three times on this the third day of reading the same,

Upon the question of its passage the vote was:

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gonzalez, Johnson, Kilcrease, Long, Moseley, Provence, Smith, Snell, Stewart and Wynn—17.

NAYS—None.

So said act passed by a constitutional majority.

Ordered, That Messrs. Baldwin, Finley and Long be appointed a committee to certify the same to the House.

An Act to amend the seventeenth clause of the fifth article of the Constitution of this State,

Was read three times on this the third day of reading the same,

And on the question of its passage the vote was:

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gonzalez, Johnson, Kilcrease, Long, Moseley, Provence, Smith, Snell, Stewart and Wynn—17.

NAYS—0.

So said act passed by a constitutional majority.

Ordered, That Messrs. Baldwin, Finley and Long be appointed to certify the same to the House.

The Senate took a recess until 3 o'clock.

#### THREE O'CLOCK.

The Senate met pursuant to adjournment. A quorum being present, the Senate resumed the consideration of the orders of the day.

A bill to be entitled An Act to authorize William H. Chase and Jasper Strong to cut a canal, connecting the waters of the Perdido River and Grand Lagoon,

Was read a third time, and on the question of its passage, the vote was as follows:

YEAS—Messrs. Baldwin, Brown, Finley, Forsyth, Gonzalez, Johnson, Long, Moseley, Smith, Snell, Stewart and Wynn—12.

NAYS—Mr. President and Mr. Provence.

So the bill passed, title as stated.

*Ordered*, That the same be certified to the House of Representatives.

A bill to be entitled An Act giving to the Alabama and Florida Rail Road Company the right to extend their road into the State of Florida and construct branch roads, with chartered privileges,

Was read a third time, and on the question of its passage, the vote was—

**YEAS**—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gonzalez, Johnson, Long, Moseley, Provence, Smith, Snell, Stewart and Wynn—16.

**NAYS**—None.

So the bill passed—title as stated.

*Ordered*, That the same be certified to the House of Representatives.

A resolution in relation to printing the laws,

Was read a third time and passed.

*Ordered*, That the same be certified to the House of Representatives.

House bill to be entitled An Act in addition to, and amendatory of the several acts concerning writs of error and appeals to the Supreme Court,

Was returned from the House, with a message respecting amendments.

Whereupon, the following Committee of Conference was appointed:

Messrs. Long, Baldwin and Forsyth.

A bill to be entitled An Act to incorporate the Pensacola Rail Road Company,

Was read a third time, and upon the question of its passage the vote was:

**YEAS**—Mr. President, Messrs. Baldwin, Brown, Buddington, Forsyth, Gonzalez, Johnson, Kilcrease, Long, Moseley, Provence, Smith, Snell, Stewart and Wynn—15.

**NAYS**—None.

So the bill passed—title as stated.

*Ordered*, That the same be certified to the House of Representatives.

A bill to be entitled An Act to incorporate the Pensacola and Mobile Bay Rail Road Company,

Came up, and the Senate went into Committee of the Whole, Mr. Stewart in the Chair, and after some time spent therein, the Committee rose, and through their Chairman, reported the bill back to the Senate, with sundry amendments, and asked leave to be discharged from the further consideration thereof;

Which report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

An Act to permit John W. Roberts to practice medicine,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

House Bill to be entitled An Act to provide for the election of a County Site for Alachua County,

Was read a third time, and upon the question of its passage the vote was:

**YEAS**—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gonzalez, Johnson, Kilcrease, Long, Moseley, Smith, Snell, Stewart and Wynn—16.

**NAYS**—0.

So the bill passed—title as stated.

*Ordered*, That the same be certified to the House of Representatives.

On motion of Mr. Kilcrease,

The rules were waived, and he permitted to introduce a bill to authorize John Johnson to assume the management of his own estate.

A bill to be entitled An Act to repeal an act entitled an act requiring purchasers of State lands to make payments therefor to the Treasurer of the State, and for other purposes,

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Finley,

The several Rail Road Bills now before the Senate, were made the special order of the day for to-morrow.

A bill to be entitled An Act making appropriations for the repairs of the Capitol, and for other purposes,

Was read a second time, and ordered to be engrossed for to-morrow.

A bill for the relief of the Southwestern portion of Gadsden county, Was read a second time, and referred to a select committee.

House bill to be entitled An Act to authorize Albert Ponsheer to establish a ferry across the Suwannee River in Columbia County,

Was read a second time, rule waived, read a third time.

Upon the question of its passage the vote was:

**YEAS**—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Johnson, Long, Moseley, Smith, Snell, Stewart and Wynn—14.

**NAYS**—Mr. Kilcrease—1.

So the bill passed without amendments.

*Ordered*, That it be certified to the House of Representatives. Petition of George W. Ferguson for grant of lands in the Everglades,

Was read a first time, and laid on the table.

A bill to be entitled An Act for the relief of Mrs. Harriet Powers,

Was read a second time, and ordered for a third reading on to-morrow.

A bill to be entitled An Act relative to the costs in criminal cases,

Read a second time and recommitted to the Committee on the Judiciary.

A bill to be entitled An Act to prevent the trading with the Indians,

Was read the first time, rule waived, read a second time, and 75 copies ordered to be printed.

A bill to be entitled An Act for the relief of James Brown and William Gainer, Senior,

Read first time, rule waived, read second time, and ordered to be engrossed.

A bill to be entitled An Act to authorize the business of banking,

Read first time, rule waived, read second time, and ordered to be printed.

A bill to be entitled An Act to amend the laws granting pre-emption rights to settlers on State lands,

Was read a first time, and ordered for a second reading on to-morrow.

A bill to be entitled An Act authorizing county subscriptions for works of Internal Improvements,

Was read a first time, rule waived and ordered to be engrossed.

A bill to empower John Johnson to manage his own estate,

Was read a first time, rule waived, read a second time and referred to a Select Committee, consisting of Messrs. Kilcrease, Johnson and Snell.

On motion, the rule was waived, and Mr. Blackburn moved that the petition of Mr. Daniel A. Burlison, be made the special order of the day for Wednesday next.

Which motion prevailed.  
The following message was received from the House of Representatives, viz:

HOUSE OF REPRESENTATIVES, }  
December 20, 1852. }

HON. PRESIDENT OF THE SENATE:

*Sir*,—The House have passed the following bills, to wit:

A bill to be entitled An Act to provide for the payment of Captains Sparkman's, Parker's and other volunteer companies.

A bill to be entitled An Act to establish Common Schools and to repeal certain acts in relation thereto.

Respectfully,

JOHN DICK,

*Clerk House Representatives.*

Which was received and the bills placed among the orders of the day.

House bill to be entitled An Act to establish Common Schools and repeal certain acts in relation thereto, rule waived, read a first and

second time by its title and referred to Committee on Schools and Colleges.

A bill to be entitled An Act to provide for the payment of Captains Sparkman's and Parker's and other volunteer companies, rule waived, read a first and second time by its title and referred to the Committee on Propositions and Grievances.

On motion,

The Senate adjourned until 10 o'clock to-morrow.

TUESDAY, December 21st, 1852.

The Senate met, pursuant to adjournment. Rev. Mr. Zealey officiated as Chaplain.

A quorum being present, the journal of yesterday's proceedings was read, amended and approved.

The Governor's Message was taken from the table and the following nominations advised and consented to:

Samuel Benezet, Robert Myers, William H. Long, William A. Kain and John Coupe, for Commissioners of Pilotage for the port of Apalachicola.

Nathan Baker, Donald McDonald, Amos Hancock, Benjamin Ellison, Henry Swain, David Livingston and Benjamin L. Turner, for Port Wardens for the Port of Apalachicola.

Patrick W. Cullen, James J. Griffin and Robert Myers, for Auctioneers for the city of Apalachicola in the county of Franklin.

John F. Broome for Cotton Weigher in the city of Tallahassee in the county of Leon.

Also, the nomination of James B. Gamble for Auctioneer for the city of Tallahassee.

Mr. Floyd gave notice that he would, on some future day, ask leave to introduce a bill amendatory of an act entitled An Act organizing the Mayor's Court of the city of Apalachicola.

Mr. Brown gave notice that he would on some future day, ask leave to introduce a bill to be entitled An Act to amend an act to make permanent the election precincts in Columbia county.

On motion, the rule was waived and Mr. Provence permitted to introduce, without previous notice, a bill to be entitled An Act to invest a portion of the Internal Improvement Fund in certain Plank Roads therein mentioned,

Which was placed among the orders of the day.

Mr. Long, from the Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills have examined and find correctly enrolled, An Act to repeal an act granting to the Alabama and Florida Rail Road Company land granted or hereafter to be granted